

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

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**DATE:** August 13, 2002 (Continued from July 31, 2002)

**TO:** Orange County Planning Commission

**FROM:** Planning & Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA02-0056 for Use Permit

**PROPOSAL:** The applicant is requesting approval of a Use Permit to establish a PD "Planned Development", as permitted by Orange County Zoning Code Section 7-9-110; to construct three (3) single-family dwellings on three (3) lots on a 1.17-acre parcel of land zoned 100-E4 "Small Estates". Tentative Parcel Map No. 2001-185 is associated with this proposal.

**LOCATION:** In the North Tustin area, north of Old Foothill Blvd, west of Fairhaven Extension and south of a private road called Artnell Road. Third Supervisorial District.

**APPLICANT:** Richard Huddleston

**STAFF** William V. Melton, Project Manager  
**CONTACT:** Phone: (714) 834-2541 FAX: (714) 667-8344

**SYNOPSIS:** Current Planning Services Division recommends Planning Commission approval of PA02-0056 subject to the Findings and Conditions of Approval (attached) submitted with the CPSD Report dated July 31, 2002.

**BACKGROUND:**

This proposal was continued from the July 31, 2002 hearing date to allow the applicant additional time to provide the Planning Commission with information regarding site drainage and to meet with area residents to resolve the access issue. The Planning Commission asked the applicant to submit plans showing the grade difference between the proposed access road and the adjoining Artnell Road to illustrate the feasibility of access, given the documentation presented at the July 31 hearing from representatives of the adjacent property owner and the ingress/egress rights discussed at the hearing.

As of the distribution date of this report, the applicant was unable to provide the required materials for distribution to the Planning Commission. In the event these documents are delivered to staff in a timely manner, the material will be transmitted to the Planning Commission under separate cover. In any event, the applicant indicated that the requested plans would be made available at the continued hearing.

**RECOMMENDED ACTION:**

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA02-0056 for Use Permit and a Planned Development subject to the attached findings and conditions of approval.

Respectfully submitted

George Britton, Manager  
Current Planning Services Division

WVM

Folder: C:\My Documents\Use Permits\Use Permits 2002\PA02-0056 Staff 8-13 Huddleston.doc

**APPENDICES:**

- A. Recommended Findings (brought forward from the CPSD report dated July 31, 2002)
- B. Recommended Conditions of Approval (brought forward from the CPSD report dated July 31, 2002)

**DATE:** July 31, 2002

**TO:** Orange County Planning Commission

**FROM:** Planning & Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA02-0056 for Use Permit

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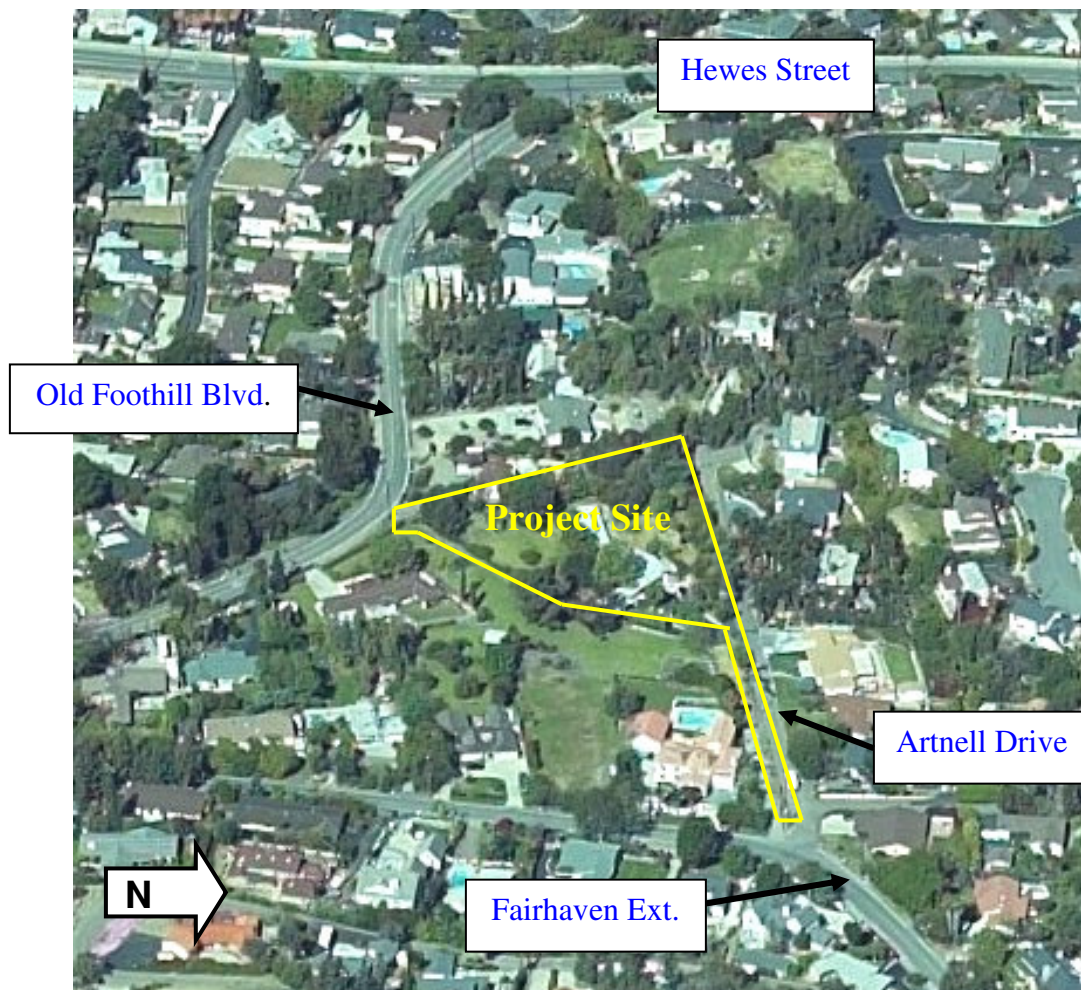
**BACKGROUND:**

The subject site is an irregularly shaped parcel of land 1.17 acres in size. The site’s 100-E4 zoning requires a lot width of 100 feet and a minimum lot area of 10,000 square feet. The site is developed with a single-family residence and some outbuildings. The building portion of the site is triangular in shape averaging approximately 270 feet per side (see Surrounding Land Use air photo on page 2). Access to the building area is a 23 feet wide driveway from Fairhaven Extension Road. This driveway is adjacent to and runs parallel to a private easement road called Artnell Road. The site’s 23 feet wide driveway is currently unimproved and not used, with access taken off of Artnell Road. The site has an additional 16 feet wide access point to Old Foothill Blvd. at the southern tip of the site. This access point is currently not used. The building portion of the site has a grade change of 33 feet from the highest point of the site at the northwest corner of the site to the lowest point of the site at Old Foothill Blvd. In addition to the improved area, the site has two turf areas with numerous trees around the perimeter and in the center of the lot.

The applicant proposes to demolish the existing dwelling and outbuildings and construct three new two-story single-family dwellings on three separate building sites using the PD “Planned Development” regulation of the Zoning Code. Development under the PD regulations requires Planning Commission approval of a Use Permit. The three proposed dwelling units are 3,725, 3,760 and 4,532 square feet in size. Covered parking is provided in a 4-car garage for two of the proposed dwellings and a 3-car garage for the third proposed dwelling. Access to the three dwellings will come from the existing 23 feet wide private easement road (with 20 feet of new paving) from Fairhaven.

**SURROUNDING LAND USE:**

Direction	Zoning	Existing Land Use
Project Site	100-E4 “Small Estates”	Single-family residential
North	100-E4 “Small Estates”	Single-family residential
South	100-E4 “Small Estates”	Single-family residential
East	100-E4 “Small Estates”	Single-family residential
West	100-E4 “Small Estates”	Single-family residential



**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to 7 County Divisions, the Foothills Communities Association and the North Tustin Advisory Committee (NTAC). As of the writing of this staff report, no comments raising issues with the project that could not be addressed through standard conditions of approval have been received from other County divisions. The Foothills Communities Association did not comment. NTAC comments are discussed later in this report.

### **CEQA COMPLIANCE:**

Negative Declaration No. PA02-0056 (Exhibit 3) has been prepared for this proposal. It was posted for public review on June 16 and became final on July 8, 2002. Prior to project approval, the Planning Commission must find this ND adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

### **DISCUSSION/ANALYSIS:**

As stated in Planned Development District regulations in Zoning Code Section 7-9-110.1:

*The purpose of this district is to provide a method whereby land may be developed utilizing design features, which take advantage of modern site planning techniques to produce an integrated development project providing an environment of stable, desirable character, which will be in harmony with existing and potential development of the surrounding neighborhood.*

*The regulations of this district are intended to produce planned development projects which meet standards of open space, light and air, and density of land uses which provide for better use of common areas, open space and off-street parking facilities and provide for safe and efficient vehicular and pedestrian circulation. These regulations are intended to be utilized only for integrated planned development projects and should not be utilized for the establishment of individual land uses or structures unless they would become an integral part of an existing planned development.*

The purpose of this Use Permit is to provide the Planning Commission with sufficient information to demonstrate that the development proposed is consistent with the purpose and intent of the PD Planned Development District. As shown above, the Planning Commission's review of the proposal should include factors such as adequate open space and light and air through the use of setbacks; and, one of the major factors, the determination of whether the proposal is in harmony with existing residential development. Following is a discussion of these Planned Development factors.

**Site Development Standards**

The PD development regulations provide the applicant an opportunity to construct a project that would not otherwise be permitted under the E4 base district site development regulations. Following are three charts depicting the basic site development requirement of the E4 base district, the additional development standards of the PD District and the development standards proposed by this proposal.

<b>CHART 1 – General E4 District Site Development Standards</b>					
<b>Minimum Area (sq. ft.)</b>	<b>Minimum Setbacks (feet)</b>			<b>Maximum Building Height (ft)</b>	<b>Minimum Lot Width (feet)</b>
	<b>Front</b>	<b>Side</b>	<b>Rear</b>		
10,000	30	10% of average lot width	25	35	100

<b>CHART 2 – Additional Planned Development Site Development Standards For This Site</b>				
<b>Building site area</b>	<b>Building Site Coverage</b>	<b>Area Per Unit</b>	<b>No. of Dwelling Units</b>	<b>Setbacks</b>
Minimum Net area 30,000 sq. ft.	40% (17,474 sq. ft.)	None per individual unit	Maximum of 3	As per approved Use Permit

<b>CHART 3 – Proposed Development Standards</b>							
<b>Parcel No.</b>	<b>Area (sq. ft.)</b>	<b>Setbacks (ft)</b>				<b>Building Height (ft)</b>	<b>Lot Width (feet)</b>
		<b>Front</b>	<b>Side</b>	<b>Side</b>	<b>Rear</b>		
1	10,775	<u>20</u>	10	10	25	31	<u>80</u>
2	13,165	<u>24</u>	31	15	25*	34	<u>85</u>
3	11,060	<u>20</u>	10	12	25*	32	<u>90</u>
<b>Building site area</b>		<b>Building Site Coverage</b>		<b>Area Per Unit</b>	<b>No. of Dwelling Units</b>		<b>Setbacks</b>
35,000 square feet		29% (10,104 sq. ft.) total for all 3 lots		11,667 (avg)	3		As shown above

\* Zoning Code Section 7-9-127 deems one-half the 20-foot width of Arnell Road on the north side of the project to be a portion of the rear setback in determining the rear setbacks of lots 2 and 3.

Comparing the development standards of the E4 District in Chart 1 with the proposed development standards in Chart 3, it is seen by the underlined numbers in Chart 3 that all three dwelling units proposed do not conform to the E4 District standards for front setback and lot width. Because the proposal as submitted does not conform to all the E4 District site development standards, the applicant is requesting approval of a PD to establish the development standards for this proposal.

The project and the setbacks proposed provide adequate light and open space through the placement of the dwelling and the use of both private and common open space. With the setbacks proposed, the structures have been placed on the site to maintain a separation of 22 feet between buildings on lots 2 and 3 and a separation of 38 feet between buildings on lots 1 and 2. The average setback from the buildings to exterior property lines is 23 feet. Since the proposal is designed as a conventional E4 zoned subdivision, each lot has a substantial amount of private open space. The proposal provides for 22,231 square feet of private open space consisting of 7,120 square feet on lot 1, 8,533 square feet on lot 2, and 6,578 on lot 3. In addition to the private open space, 900 square feet of common open space is provided in the form of a landscape island in the project access road. In total, 45 percent of the proposal is open space.

### **Neighborhood Compatibility**

As shown on the assessor's maps composite on Page 8 of this report, the lots in the vicinity of the subject site vary in area and shape with no certain pattern. Many lots are accessed by private easements that do not appear on the map (such as Artnell Road to the north of the subject site). Staff has superimposed the proposed Parcel Map to show that the proposed lots are not out of character with the surrounding development. As shown on the air photos in Exhibit 3, the homes in the vicinity appear to be one and two-story, with a mixture of old and new homes varying in size. There is no underlying architectural theme that is apparent throughout the surround area.

The architecture of the proposed homes might be associated with the classical California Craftsman style, which should be compatible with the mixed architecture of existing homes adjacent to the site and throughout the vicinity. The homes on lots 1 and 2 are designed to flow down the grade of the property with the rear of the home at only one-story near the property line. At the driveway courtyard these homes raise up two levels above a garage level. These different levels are stair stepped back with the first living level setback from the garage and the upper level setback from the first level providing additional light and air to the proposal as well as articulation of the structure mass. Based on existing development in the vicinity, the proposed development *will be in harmony with existing and potential development of the surrounding neighborhood*, as required in the PD District development guidelines.

### **NTAC Review**

This proposal was reviewed by NTAC at meetings held in June and July. At the June meeting, area residents voiced concerns regarding the density of the proposal, compatibility of the proposal with the neighborhood and the safety of the proposed access at Fairhaven Extension. The June meeting was continued to July so that the committee could review the associated Parcel Map (which was not submitted in time for the meeting). At the July meeting, NTAC unanimously approved both the proposed Use Permit for the Planned Development and the underlying Parcel Map.

### **Site Access**

One issue for this proposal whether it was a conventional E4 subdivision or the proposed PD, is the site access. The proposal calls for the improvement of the existing 312 feet long, 23 feet wide driveway from Fairhaven Extension that runs parallel to Artnell Road. The access road to the three lots will be paved to a width of 20 feet, which conforms to the Zoning Code minimum paved width of 16 feet for two to four dwellings. The applicant informed staff that he was willing to construct and pave a wider driveway using both Artnell Road and his driveway access but the owners of Artnell Road did not wish to do that.

The applicant also informed staff that a deed for the subject property includes a provision that the owner of the property to the south of the driveway has a right to pass on the driveway to get to property on the north side of the Artnell Road. The driveway plan includes a 6 feet high fence (42 inches high in the first 20 feet from Fairhaven Extension) on both sides of the access road with gates to allow for pedestrian traffic to cross the driveway. The gate on the north side of the access road is also a fire access gate to a fire hydrant located on the north side of Artnell Road. An electronic gate and call boxes may also be installed on the access road setback 35 feet back from Fairhaven Extension. The proposed driveway has been reviewed by Subdivision and Grading Services/Traffic Review and found to be adequate subject to incorporation of the standard condition of approval for site distance. Staff would support the idea of only one access road from Fairhaven Extension, however, as mentioned, the adjoining property owners of Artnell Road do not support this idea, and a new paved driveway must be constructed as proposed within the plans, see Exhibit 4.

### **CONCLUSION:**

The three lot Parcel Map conforms to the minimum lot area requirements of the E4 District. The three single-family homes proposed conform to the E4 District's site development standards for lot coverage, building height, side yard setbacks and rear yard setbacks. However, because of the irregular lot shape of the existing building portion of the lot, the three dwelling proposed are unable to conform to the site's E4 District zoning standard of a minimum lot with of 100 feet nor the front setback requirement of 30 feet, which is the reason for the requested Use Permit for a Planned Development.

Because the new lots proposed do not front on a public street, the 20-foot front setback proposed for the planned development on the interior courtyard should have no visual impact on the surrounding community. The same is true for the 80-foot lot width. Staff notes that properties further north of the subject site were developed with a lot width requirement of 80 feet (see page 8).

Staff is of the opinion that the proposed three-lot parcel map and three dwelling of the proposed planned development are consistent with the purpose and intent of the Planned Development regulations of the zoning code. The proposal is also in substantial conformance with the site development guidelines of the E4 District. The project design and architecture provide adequate air, light and open space. The project, in staff's opinion, is compatible and in harmony with the development pattern of the surrounding community. The proposed access road conforms to the Zoning Code regulations for access road width. Staff supports the applicant's Use Permit request for a Planned Development and makes a recommendation as follows.



**RECOMMENDED ACTION:**

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- c. Receive staff presentation and public testimony as appropriate; and,
- d. Approve PA02-0056 for Use Permit and a Planned Development subject to the attached findings and conditions of approval.

Respectfully submitted

George Britton, Manager  
Current Planning Services Division

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**APPENDICES:**

- C. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

- 1. Applicant's Letter of Explanation
- 2. Site Photos
- 3. Negative Declaration
- 4. Site Plans

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Division.

